

Northern Courthouse Road Plan: Easements and Their Relationship to the Land Use Plan

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An easement is defined as “a grant of rights by a property owner to another individual, group or governmental unit to make a specified use of a portion of real property” (Sec. 19-301 of the Chesterfield County Zoning Ordinance).

The Plan for Chesterfield, the county’s comprehensive plan, typically does not incorporate easements into land use plan recommendations for the following reasons:

- An easement is a private action between a property owner and another group, individual or governmental agency.
- The land use plan is a guide that is considered when making general and broad recommendations for the use of properties under zoning review, and does not take into account specific constraints to development on individual properties by private parties, such as various types of easements or covenants.
- Although an easement may be placed on a property and held by one group, the property may still be under private ownership of another entity.
- Easements can take many forms, such as utility, ingress/egress, signs, drainage, power, etc., many of which are not controlled by the county government.
- The creation and removal of easements is an action that is, for the most part, outside of the county’s control and purview.

Through the formation of the *Northern Courthouse Road Plan* amendment, considerable discussion was held on a property known as the “Moody Tract”, a vacant parcel of some 80+ acres located on the west side of Courthouse Road south of Midlothian Turnpike and north of the entrance to the Stonehenge subdivision. The Moody Tract has a conservation easement held by the Virginia Outdoors Foundation that was placed on the property in 1976. The owner of the property is Mary Moody Northern Endowment, a non-profit group located in Galveston, Texas.

The Moody Tract currently lies in *The Powhite/Route 288 Development Area Plan* (1985), which recommends the property for low-density residential use of up to 1.5 units per acre. The proposed *Northern Courthouse Road Plan* suggests the property is appropriate for Community Mixed Use and Office/Residential Mixed Use, with the dividing line being a proposed extension of Grove Road.

Furthermore, there are numerous easements within the proposed *Northern Courthouse Road Plan* amendments. These include: water, sewer, and other utility easements; ingress/egress easements; sign easements, etc. None of these easements is incorporated into the land use plan.